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SENSITIVE
SIPDIS

STATE FOR VCI/CCA, EUR/RPM
NSC FOR NILSSON, HAYDEN
JCS FOR J5 NORWOOD, COL SMITH
OSD FOR ISA (KEHL, WALLENDER)

E.O. 12958: N/A

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SUBJECT: FSC/SMALL ARMS REVIEW MEETING: FEW SURPRISES, BUT
COMMENTS PORTEND CHALLENGES IN 2010 IN UN AT BMS4 (SBU)

11. (SBU) Summary: The OSCE Meeting to Review the OSCE Document on Small Arms and Light Weapons broke no new ground and vacillated between those delegations looking to add more instrumentalities and mechanisms to the OSCE's work on SA/LW and those, such as the U.S., which advocated more effective implementation of the protocols and other commitments that were already in place. Beyond some familiar themes raised (e.g., destruction versus transfer of surplus), and the limited number of technical suggestions to amend the OSCE Document, two interventions stood out.

12. (SBU) First, the Chair-designate of the 2010 UN's Biennial Meeting of States on the Programme of Action on Small Arms and Light Weapons (SA/LW), Ambassador Pablo Macedo (Mexico), was "four-for-four" crossing USG redlines as he advocated: 1) turning the OSCE documents and decisions on SA/LW into a legally-binding instrument; 2) adding a munitions controls component to the SA/LW mechanism; 3) applying SA/LW criteria from government to private transactions; and, 4) engaging on the issue of civilian ownership of arms. Second, Russia (Uliyanov) blamed government-to-government transfers for the "unstable accumulation" of SA/LW in Georgia as precipitating regional instability. He called for new SA/LW language that would unambiguously constrain the transfer of military equipment to Georgia. Most of the other exchanges were reviews of different national and regional instruments and practices to control the transfer of SA/LW. End Summary.

Opening Session: BMS4 Chair-Designate's Comments Portend Challenges in 2010

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13. (SBU) Two days of discussion September 22-23 at the OSCE Meeting to Review the OSCE Document on Small Arms and Light Weapons (SA/LW) yielded few surprises. During the Opening Session the FSC Chair (UK - Cliff) set the development of a roadmap for further work on the OSCE's efforts to improve its arms control efforts on SA/LW. Greece (Marinaki, representing the Chair-in Office) tied SA/LW into addressing related security risks and emerging threats, including asymmetric threats by non-state actors (e.g. trafficking in persons). Greece noted the importance of not duplicating, but coordinating and cooperating with other International Organizations. OSCE SecGen Perrin de Brichambaut called for an effective regulatory mechanism within the OSCE

"complementing and strengthening" the UN Programme of Action.

14. (SBU) In his keynote remarks, the Chair-Designate of the 2010 Biennial Meeting of States on the UN Programme of Action on SA/LW, Ambassador Macedo (Mexico) spoke about the lack of progress on effectively curtailing the movement of SA/LW, increasing violence in Mexico and the importance of developing common criteria on the export controls and stockpile management. He also acknowledged going beyond his role in making specific recommendations to the OSCE including: 1) turning the OSCE documents and decisions on Small Arms and Light Weapons (SA/LW) into a legally-binding instrument; 2) adding a munitions controls component to the SA/LW mechanism; 3) applying SA/LW criteria from government to private transactions; and 4) engaging on the issue of civilian ownership of arms.

Working Session I: Russia Derides Weapons Transfers to Georgia

15. (SBU) Spencer Childers of the UK Export Control Organization moderated the session on international cooperation, assistance, and capacity building. He challenged delegates to improve assistance during the economic downturn. Conflict Prevention Center Director Salber suggested amending the information exchange template to incorporate plans for prioritizing destruction assistance among other improvements aimed at better implementation.

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Russia (Uliyanov) took umbrage that the SA/LW document fine-tuning was the issue. He questioned some states' political commitment to established norms against destabilizing transfers of SA/LW. Russia cited grievances against those who contributed to Georgia's "massive offensive and acts of repression against civilians." Russia blamed ambiguities within the OSCE's SA/LW document for creating circumstances that emboldened Georgia to resolve its problems militarily.

16. (SBU) The U.S. (Neighbour) refuted the Russian account, noting that its transfers were initially aimed at assisting Georgia to stop armed insurgents raiding Russia from the Pankisi Gorge, then were to help Georgia participate in coalition operations in Iraq. The central point of the U.S. intervention, however, was to emphasize the importance of implementation of current SA/SW agreements and obligations, and the concomitant need for capacity building in addressing effectively SA/LW issues. Georgia rejected the Russian accusation, citing the transparency and legality behind Georgia's defensive arms imports. Other delegations remained silent on the issue.

Working Session II: Brokering: Two Sides of the Coin

17. (SBU) The afternoon session focusing on import/export controls and brokering was moderated by Col. Walter Schweizer (Germany). Chilvers, briefing on the work of the Group of Governmental Experts (GGE), noted that by 2008 only 50 states incorporated laws on arms brokering. In response to a U.S. question, he elaborated on the challenges of "extra-territorial controls" over nationals who seek to circumvent a state's arms export regulatory mechanisms in the absence of an unambiguous UN embargo. Chilvers also recommended the OSCE assist those who do not have effective brokering legislation and that the OSCE amend its document to conform to recommendations contained in the GGE reports.

18. (SBU) Several delegations described their national procedures for End-Use Assurances; Russia offered up assistance for those interested in benefiting from its

experience on effective End-Use Controls. Russia also complained about the lack of "re-export" controls, advocating an international treaty of the trade in arms addressing not only third party transfers but also "industrial piracy" of technology and unlicensed production as the "only way to come to terms with the problems of the world trade in armaments."

¶9. (SBU) The U.S. (Costner) cautioned that a 100 percent verification scheme was not realistic compared to focusing on priorities (e.g., Golden Sentry and Blue Lantern). The U.S. also cautioned that efforts to press for standardization could have the unintended effect of creating a lowest common denominator that would actually reduce the effectiveness of more rigorous SA/LW regimes elsewhere. Chilver's warned that delegations must keep in mind "one size does not fit all."

Session III: Stockpile Management and Security

¶10. (SBU) Larry Schultz from the U.S. Defense Threat Reduction Agency (USA--DTRA) moderated Working Session III, which featured presentations from UN Coordinating Actions on Small Arms (CASA); Germany's Arms Control and Disarmament Agency, and the Greek Ministry of Foreign Affairs. Dr. Patrick McCarthy described CASA's work to develop political norms for ensuring effective stockpile management and security of SA/LW. Taking center stage was the UN's initiative to elaborate a set of International Small Arms Control Standards (ISACS), which includes a module on stockpile management. McCarthy called on the OSCE to "push the envelope even more than it already has in establishing voluntary commitments on stockpile management and security."

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¶11. (SBU) Lieutenant Colonel Andreas Nehring (Germany) examined the question of disposal of SA/LW through destruction versus export. He described the threat posed by increasing surpluses of SA/LW and fixed responsibility on governments for countering the threat. Nehring argued that the delta between the introduction of new weapons and the disposal of surplus can only be eliminated through increased destruction. He concluded that States must be encouraged to destroy surplus stockpiles of SA/LW through financial and technical support, "new for old" exchanges, mutual assistance and awareness training. Mr. Stelios Zachariou ended the session by comparing stockpile management guidelines between the OSCE, UN and EU. He concluded that a general consensus on stockpile management guidelines common to these organizations should make achieving globally accepted practices for stockpile management much easier to attain.

Session IV: Participating States Share Experience on Post Manufacture Marking and Tracing

¶12. (SBU) Session IV featured presentations on the UN's International Tracing Instrument (ITI) and a comparative analysis of post manufacturing marking and tracing. Agnes Marcaillou, UN Office for Disarmament Affairs, described the UN's ITI and its implications for the OSCE commitments on SA/LW. Marcaillou noted that none of the OSCE's documents or supplementary decisions on SA/LW refer to the adoption of the ITI by the UNGA. She argued that it is of great importance that participating States (pS) are familiar with the provisions for the ITI and effectively implement marking, record keeping, and tracing measures. She proposed that pS consider developing region-specific, measurable, and time-bound implementation goals for the OSCE region and aligning regional implementation with the global cycle of SA/LW meetings (i.e. BMS). In response to a question from Greece, Marcaillou said that the UN is moving from theoretical discussion to the practical training and needs equipment from donor countries. She cited as an example a

recent meeting in the Czech Republic where participants described a "sudden awakening" as the delegates worked practical tracing scenarios on the computers provided by INTERPOL.

¶13. (SBU) Giacomo Persi Paoli, UN Institute for Disarmament Research outlined the results of a comparative analysis of post manufacture marking instruments and practices for SA/LW.

He provided a detailed review of international and regional regulatory frameworks, national legislation, practices, and procedures. Following his presentation, the U.S. (Kullman), Russia and Italy summarized national practices and advances in post manufacturer marking and tracing. Kullman sketched out the state of U.S. efforts in post manufacturing marking and tracing, encouraging pS to consider how far states have progressed in this field since 2000. Russia described new methods under development that utilize micro release seals to imprint coded information on weapons and shells. In addition, Russia noted that it plans to introduce hidden markings on police and military firearms. Finally Italy provided a detailed explanation of the advantages and disadvantages of various marking techniques.

Closing Session: Time to Summarize...but First, Let's Incorporate Ammunition with SA/LW

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¶14. (SBU) Turkey took advantage of the invitation by the Chair for any last suggestions to succinctly call for the FSC to combine OSCE documents on SA/LW and Ammunition. Russia intervened once more to express its disappointment that the two-day session focused solely on technical issues, ignoring broader principled problems such as illegal transfers of weapons to Georgia.

¶15. (SBU) In summation, the Chair (UK--Cliff) noted that

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SA/LW remains high on the OSCE agenda and that members are eager to continue their work on this issue. He recalled the major elements of discussion, highlighting the following main themes:

- The need for full implementation;
- The need to update assistance mechanisms;
- The need for increased international cooperation;
- Consideration of gender issues in the Document;
- The need for a common understanding of language and terminology;
- The need for effective verification measures;
- The need for measures to prevent technology transfer and diversion;
- Consider making some of the elements of existing Best Practice Guides politically binding;
- The need to share lessons learned; and
- Consider assistance for financial, legal and technical issues connected with post-manufacture and import markings.

¶16. (SBU) Finally, Cliff urged pS to take the initiative based on the forthcoming detailed survey of suggestions to:

- Develop suggestions into specific Draft Decisions for the FSC; and
- Prepare the OSCE's contribution to BMS 4.

¶17. (SBU) Comment. Despite the lack of substantially new information, or changes in national positions, Washington's participation, particularly in moderating Session III, seemed greatly appreciated by pS and USOSCE. Strong interventions by Costner (PM-WRA) and Kullman (ATF) helped to reinforce with OSCE permanent delegations U.S. positions with regard to brokering, marking and tracing, and will greatly assist Mission in protecting U.S. equities during subsequent discussions.

¶18. (SBU) Note: The Annotated agenda for the meeting was issued on 18 September 2009 as FSC.GAL/87/09/Rev.1. The list of participants was issued as SEC.INF/36/09/Rev.2 dated 23 September 2009. Requests for these documents or specific presentations should be forwarded by email to VCI-CCA-CON-DL. End Note.
CHRISTENSEN